IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 24356 of 2007(Y)

AGAINST THE ORDER DATED 10/07/2007 IN IA 1077/07 IN OS.176/2007 of MUNSIFF COURT, THALIPARAMBA

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PETITIONER: 8TH SUPPLEMENTAL DEFENDANT:

DESEEYA KARSHAKA RAKSHA SAMITHI, REG.NO.320/91, REPRESENTED BY ITS CHAIRMAN DR.FR.JOSE MANIPARA, AGED 55 YEARS, MANDALAM, NADUVIL AMSOM DESOM, THALIPARAMBA TALUK, KANNUR DIST.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.R.LEELA

RESPONDENTS: PLAINTIFF:DEFENDANTS:

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1. **JOSE, S/O.JOSEPH, AGED 44 YEARS, AGRICULTURIST, KUZHIPPALACKAL HOUSE, NADUVIL AMSOM DESOM, MANDALAM POST, THALIPARAMBA TALUK, KANNUR DIST.**

2. **U.SAIDH, S/O.IBRAYAN, AGED 54 YEARS, BUSINESS PARTNER OF SAJ STONE CRASHERS, THALIPARAMBA AMSOM DESOM, PUSHPAGIRI, THALIPARAMBA TALUK, KANNUR DIST.**

3. **MUHAMMED KUNHI, FATHER'S NAME NOT KNOWN TO THE PETITIONER, AGED 54 YEARS, BUSINESS MAN, SAJ MEDICALS, THALIPARAMBA AMSOM DESOM, KANNUR DIST.**

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4. ASHRAF, FATHER'S NAME NOT KNOWN TO THE PETITIONER AGED 45 YEARS, PARTNER OF SAJ CRASHERS, KANJIRANGAD, THALIPARAMBA TALUK, KANNUR DIST.

5. KAVU @ ABDUL KHADER, FATHER'S NAME NOT KNOWN TO THE PETITIONER, AGED 50 YEARS, BUSINESS, PALLAM, NEDIYANGA AMSOM, CHEMPANTHOTTY POST, THALIPARAMBA TALUK, KANUR DIST.

6. MATHAI, FATHER'S NAME NOT KNOWN TO THE PETITIONER, AGED 47 YEARS, QUARRYING CONTRACTOR, NADUVIL AMSOM DESOM, MANDALAM, POST, THALIPARAMBA TALUK, KANNUR DIST.

7. AUGUSTY, S/O.JOSEPH, AGED 38 YEARS, AGRICULTURIST, NADUVIL AMSOM DESOM, MANDALAM, THALIPARAMBA, KANNUR DIST.

8. MATHEW, S/O.JOSEPH, AGED 35 YEARS, AGRICULTURIST, KUZHIPALAYIL HOUSE, NADUVIL AMSOM DESOM, MANDALAM, THALIPARAMBA, KANNUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.24356 OF 2007 Y

Dated this the 10th August, 2007.

JUDGMENT

This writ petition is filed challenging the order of the Munsiff, Thaliparamba in dismissing an application for a temporary injunction. It is an appealable order under Order XLIII of the Civil Procedure Code. The appropriate remedy for the present writ petitioner is to file the appeal and not rushing to this court for interference. Therefore, I do not entertain this writ petition under Art.227 of the Constitution of India and dismiss the same. If the plaintiff approaches the appellate authority, the said court considering the urgency of the matter shall try to hear both sides at the earliest and dispose it of in accordance with law.

M.N.KRISHNAN
Judge

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